

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

GLOBAL WEATHER PRODUCTIONS, LLC

Plaintiff,

v.

JOE PAGS MEDIA, LLC

Defendant.

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Case No: 5:23-cv-01350-JKP-ESC

SECOND DECLARATION OF JAMES H. FREEMAN

I, JAMES H. FREEMAN, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury, as follows:

1. I am an attorney duly admitted to practice law before this Court and am an associate of Sanders Law Group, attorneys for the plaintiff Global Weather Productions, LLC (“*Plaintiff*”) in this action and, as such, have personal knowledge of all facts and circumstances upon which this Declaration is based.

2. I submit this declaration in further support of Plaintiff’s opposed motion to modify the Court’s Scheduling Order, dated January 29, 2025, pursuant to Fed. R. Civ. P. 16(b)(4) so as to correct an incorrect statement of fact set forth in my sworn declaration to the Court, dated May 8, 2025 [Dkt. No. 37-2 (the “Declaration”)]

3. An attorney has a continuing obligation to correct any incorrect statements of fact set forth in a declaration. *Fernandez v. Tox Corp.*, 677 F. Supp. 3d 1089, 1101 (C.D. Cal. 2023) (“If the information in Courtney Yeager’s declaration is incorrect, she and her attorneys have a continuing obligation to correct it”) (*citing* 28 U.S.C. § 1746; Fed. R. Civ. P. 11).

4. Paragraph 18 of my Declaration states: “As of the time of filing this motion, Defendant has failed to serve written responses to Plaintiff’s 2d RFPs by the deadline of May 5, 2025, and its responses are now three days past due.”

5. Subsequent to the filing of my Declaration on May 8, 2025, I discovered that Defendant did not in fact serve timely responses to the 2d RFPs. I made this discovery after defense counsel transmitted a letter, dated May 8, 2025, indicating that Defendant had, in fact, timely responded to the 2d RFPs. After checking through my emails this afternoon, I was able to confirm this fact. Apparently, at the time I filed my Declaration, I overlooked a non-descript transmittal email from defense counsel labeled “Global Weather Productions v. Joe Pags”, dated May 5, 2025, because it was not sent from an email address that I recognized, namely from ustrademarks@mchaleslavin.com. Furthermore, Defendant’s May 5, 2025 transmittal email was not sent in direct response to the transmittal email I initially served on April 4, 2025, labeled “Plaintiff’s 2d Set of RFPs”, which attached the 2d RFPs. True and correct copies of these transmittal emails are attached hereto as Exhibit A.

6. I apologize to the Court and defense counsel for this oversight and assure it was unintentional. Accordingly, I respectfully seek to correct the statement set forth in paragraph 18 of my Declaration by withdrawing same.

7. Further, in light of this correction, arguments made in the body of the motion [Dkt. No. 37-1] which refer to Defendant’s alleged failure to timely respond to the 2d RFPs should be withdrawn. Notwithstanding this correction, for all the other reasons set forth in the motion at Dkt. No. 37, Plaintiff continues to aver that it has sufficiently demonstrated good cause to modify the Scheduling Order.

Dated: May 13, 2025
Uniondale, NY

Respectfully submitted:

s/ *James H. Freeman* /
James H. Freeman

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing notice of appearance was served via CM/ECF on May 13, 2025 on all counsel of a record.

s/ James H. Freeman /

James H. Freeman